UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,848	08/31/1999	IZUMI MIYAKE	0879-0240P	1868

2292   7590   03/29/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
HANNETT, JAMES M

ART UNIT	PAPER NUMBER
2612	10

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 January 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-6,8 and 9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-6,8 and 9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _31 August 1999_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

1:      Claims 1, 3-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

2001/0048465 Toyofuku et al in view of USPN 5,724,579 Suzuki.

2:      As for Claim 1, Toyofuku et al depicts in Figures (5 and 20) an image processing

apparatus, comprising: A memory (33) which stores a plurality of captured images and

additional information concerning the images; Toyofuku et al teaches and depicts in Figure 6 the

data format by which the image data is stored to memory and depicts the non-image information

that is saved with the image data. An image selector which selects an image to be erased among

the plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a

circular point is flickered and represents the image data selected to be erased. A determination

device which reads the additional information concerning the selected image and determines

whether or not the selected image relates to at least one of the plurality of images stored in the

memory with reference to the read additional information; Paragraph [0136] Toyofuku et al

teaches that the image processing apparatus checks to see whether the image selected partially

constitutes a panoramic image by identifying the panorama numbers in the header information as

depicted in Figure 6. Toyofuku et al teaches the use of an eraser which erases the selected image

from the memory if the determination device determines that the selected imager does not relate

to any of the plurality of images stored in the memory, and prohibits the selected image from

being erased independently if the determination device determines that the selected image relates

to at least one of the plurality of images stored in the memory. Paragraph [0136-0137] Toyofuku

et al teaches that if the image selected to be erased is part of a panoramic image a warning is

indicated to the user and the image cannot be erased independently and the image would not be

able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches

the use of a display which displays that the selected image is prohibited from being erased

independently if the determination device determines that the selected image relates to at least

one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al

teaches the a warning is given on the display screen when an image that is part of a panoramic

image is selected to be deleted.

Toyofuku et al does not teach that the decision device decides whether to collectively

erase the selected image and the at least one of the plurality of images related to the selected

image from the memory; wherein the eraser erases the selected image and the at least one of the

plurality of images relating to the selected image from the memory if the decision device decides

to collectively erase the selected image and the at least one of the plurality of images related to

the selected image. Toyofuku et al is designed in such a way that a user using the camera will be

warned if they attempt to delete the image so that the user can cancel the erase command if the

image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting all images associated with a main image simultaneously to allow a user the option to erase all of the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase all of the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

3:    As for Claim 3, Toyofuku et al teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

4:    In regards to Claim 4, Toyofuku et al depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured. Paragraphs

[0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

5:      As for Claim 5, Toyofuku et al depicts in Figure 5 and teaches in Paragraph [0056] that the image processing apparatus is an electronic camera capturing the images.

6:      In regards to Claim 6, Toyofuku et al depicts in Figures (5 and 20) a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased among a plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. Reading an additional information concerning the image selected in the selecting step and determining whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the additional information read in the reading step; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Erasing the selected image from the memory if it is determined that the selected image does not relate to any of the plurality of images stored in the memory in the determining step; and prohibiting the selected image from being erased independently if it is

determined that the selected image relates to at least one of the plurality of images stored in the

memory in the determining step; Paragraph [0136-0137] Toyofuku et al teaches that if the image

selected to be erased is part of a panoramic image a warning is indicated to the user and the

image cannot be erased independently and the image would not be able to be erased unless the

user overrides the erase protection. Toyofuku et al further teaches the use of a display which

displays that the selected image is prohibited from being erased independently if the

determination device determines that the selected image relates to at least one of the plurality of

images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning

is given on the display screen when an image that is part of a panoramic image is selected to be

deleted.

Toyofuku et al does not teach that the decision device decides whether to collectively

erase the selected image and the at least one of the plurality of images related to the selected

image from the memory; wherein the eraser erases the selected image and the at least one of the

plurality of images relating to the selected image from the memory if the decision device decides

to collectively erase the selected image and the at least one of the plurality of images related to

the selected image. Toyofuku et al is designed in such a way that a user using the camera will be

warned if they attempt to delete the image so that the user can cancel the erase command if the

image was inadvertently selected. The camera further has the capability to allow the user to

override the erase protection and erase the single image and therefore update the panoramic

image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of

collectively deleting all images associated with a main image simultaneously to allow a user the

option to erase all of the images related to a main image simultaneously so that the user would

not have to independently erase each of the pictures and thus providing convenience of use. It is

viewed by the examiner that a panoramic image is a main image that is associated with several

subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to enable the camera of Toyofuku et al to allow a user the option to erase all

of the images related to a main image simultaneously as taught by Suzuki so that the user would

not have to independently erase each of the pictures and thus provide convenience of use.

7:      In regards to Claim 8, Toyofuku et al teaches that the additional information represents

whether or not the image concerning the/ additional information is a part of a panoramic image

composed of at least two of the plurality of the images stored in the memory; Paragraph [0136]

the image processing apparatus checks to see whether the image selected partially constitutes a

panoramic image by identifying the panorama numbers in the header information as depicted in

Figure 6.

8:      As for Claim 9, Toyofuku et al depicts in Figure 6 the format for the header information

attached to the image data. The additional information represents whether or not the image

concerning the additional information is a part of a sequence of at least two of the plurality of the

images stored in the memory that were consecutively captured. Paragraphs [0105-0106]

Toyofuku teaches that when a panoramic image is captured all the images are captured in a

sequence until all the desired images for a panoramic image are captured and panoramic numbers

related to the order in which the images are captured and stored in the header information. This

header information is then used to determine if the image is part of a panoramic image. Since the

panoramic image was captured from a sequence of consecutive images, the additional

information represents whether or not the image concerning the additional information is a part

of a sequence of at least two of the plurality of the images stored in the memory that were

consecutively captured.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. USPN 6,549,232 Taniguchi et al teaches the use of a camera that can collectively

delete images that are stored in memory; US2003/0193602 Satoh et al teaches the use of a

camera that collectively delete images from memory; USPN 6,252,672 Sugawara et al teaches

the use of a camera that can collectively delete images that are stored in memory; USPN

5,726,819 Kudo teaches the use of collectively delete files stored in memory.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
March 9, 2004

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600